

HOUSE JUDICIARY COMMITTEE AMENDMENT NO. 1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 798

House Bill No. 626

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 39-11-106(a), is amended by adding the following language as a new appropriately numbered subdivision:

() "Criminal street gang" means a formal or informal ongoing organization, association, or group of three (3) or more persons who:

(A) Have as one of its primary activities the commission of criminal acts;

(B) Have a common name or common identifying signs, colors, or symbols; and

(C) Have members or associates who collectively engage in criminal activity.

Section 2. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following language as a new, appropriately numbered subsection:

() The offense arose out of activity that was related to a criminal street gang, the defendant was a member of such criminal street gang as defined in Tennessee Code Annotated, Section 39-11-106, and the defendant committed the offense within three (3) years of a prior conviction for a felony offense.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or

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applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 4. This act shall take effect on July 1, 1995, the public welfare requiring it and shall apply to all persons committing offenses on or after such date.